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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
LAS VEGAS, NEVADA
UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No.
) 2:09-CR-078-JCM-RJJ
SHAWN RICE,)
)
Defendant.)
_____)

TRANSCRIPT OF PROCEEDINGS
OF
MOTIONS HEARING
RE: TERMINATION OF DEFENDANT SHAWN RICE'S SELF-REPRESENTATION
AND REAPPOINT COUNSEL TO REPRESENT DEFENDANT, NO. 124
VOLUME 1
BEFORE THE HONORABLE ROBERT J. JOHNSTON
UNITED STATES MAGISTRATE JUDGE
Monday, March 8, 2010

FTR: 11:15:24 a.m. through 11:26:18 a.m.
Pretrial Services: Ron Pease and Jaime Stroup
Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

1 APPEARANCES:

2 For the Plaintiff: J. GREGORY DAMM, AUSA
3 United States Attorney's Office
4 333 Las Vegas Boulevard South
Suite 5000
Las Vegas, Nevada 89101

5 For the Defendant: No Appearance
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1 (Court convened at 11:15:24 a.m.)

2 THE COURT: Please be seated.

3 (Colloquy not on the record.)

4 THE CLERK: Your Honor, we are now calling the
5 motions hearing in the matter of United States of America
6 versus Shawn Rice. The case number is 2:09-CR-0078-JCM-RJJ.

7 Parties, please state your names for the record.

8 MR. DAMM: Good morning, your Honor. Gregory Damm on
9 behalf of the United States.

10 THE COURT: Thank you.

11 This is on for a motion filed by the Government which is
12 No. 124 to terminate the defendant's self-representation and to
13 reappoint counsel to represent Defendant Rice. Mr. Rice is not
14 present.

15 Has the clerk or anyone heard from Mr. Rice?

16 THE CLERK: Your Honor, we have not received any
17 contact from Mr. Rice here in the courtroom.

18 MR. DAMM: Your Honor, I did hear from Mr. Rice
19 yesterday.

20 THE COURT: Okay. And what was the nature of the
21 contact?

22 MR. DAMM: Your Honor, I received an E-mail from
23 Mr. Rice to my Government E-mail address. This was an E-mail
24 that he sent to a couple of unknown addresses to me, but he
25 also sent it to Dan Hollingsworth in our office, another

1 asset-forfeiture employee, myself, my secretary, apparently, to
2 Mr. Leventhal who represents the codefendant, Mr. Davis, and to
3 his Pretrial Services officer in Arizona.

4 And the E-mail message read as follows: "Shalom, all.
5 Just to avoid any monkey business, I have attached two
6 documents to you all that demonstrate my somewhat altered
7 status within the UPU" -- that's capital U-P-U -- "and the fact
8 I have been instructed that I am physically barred from
9 trespassing upon the property wherein the USDC Las Vegas is
10 located and therefore cannot enter the courthouse for any
11 business; therefore, I am relegated to serving you all by
12 E-mail, registered E-mail, and land-based snail mail.

13 I hope this suffices to keep your terrorist agents at bay
14 and off my property to avoid your agents using guns and
15 violence to create future underwriting-issue claims, et cetera.
16 Thank you all. Shalom, Rabbi Shawn Rice."

17 And then he attached two documents, one entitled
18 Postal Treaty Light, hyphen, Earth, hyphen, DNA, hyphen,
19 Lodial, l-o-d-i-a-l. I tried to read it, but it was to me
20 largely unintelligible.

21 And then he attaches another affidavit of Shawn Rice,
22 although it does not appear to be signed, and the heading on
23 the document reads, "One Supreme Court," and I'd like to tender
24 these documents to the Court and ask that they be made a part
25 of the record, your Honor.

1 THE COURT: Thank you.

2 What we'll do is have those marked as exhibits for
3 purposes of the hearing. If we could have the E-mail marked as
4 Government's Exhibit 1 and then the two attachments designated
5 as, respectively, 2 and 3.

6 (Government's Exhibit Nos. 1, 2, and 3 were marked
7 for identification.)

8 (Colloquy not on the record.)

9 THE COURT: My chambers has had contact with the
10 U.S. Marshal, and there's no indication that anybody has barred
11 him from the facility.

12 Mr. Damm, are you available tomorrow sometime? I'd like
13 to move this hearing 24 hours if I could and order him to
14 appear. And if he doesn't, then I would issue a warrant for
15 his arrest at that time.

16 MR. DAMM: Your Honor, I have two matters scheduled,
17 one at 8:30 and one at 9:30. If we could, perhaps, schedule
18 something for maybe later in the morning if that's permissible
19 say maybe 11:00 o'clock?

20 THE COURT: That would be fine. All right.

21 (Colloquy not on the record.)

22 THE COURT: What we'll do is then continue this
23 hearing until tomorrow which is March 9, 2010, at 11:00 a.m.
24 here in Courtroom III-D, and then, again, this is on the motion
25 to terminate defendant's self-representation.

1 The Court will indicate on the record that the failure of
2 Mr. Rice to appear will result in the immediate issuance of a
3 warrant for his arrest for failure to appear.

4 Anything further at this time?

5 MR. DAMM: Your Honor, just two matters. I believe
6 I've been concerned for some time about, you know, the filings
7 that Mr. Rice has made.

8 There are two other documents that I'd like to make a part
9 of the record, and, actually, I think one of them already has
10 been made a part of the record. Let's see. I believe that's
11 -- I think that is Docket No. 123, but --

12 THE COURT: What's the title of that document?

13 MR. DAMM: Well, actually, the document itself that
14 was served upon me on February 12th is what's entitled -- it
15 says, "Order by the One Supreme Court, Shawn Talbot."

16 And at the bottom, it indicates that, "It hereby orders
17 all men and women acting as persons for the general district
18 court on Yavapai County whether acting as Clerk of Court,
19 magistrate, or judge to discharge, dismiss, and close on the
20 books the aforementioned or aforesaid commercial cause,
21 including any alleged Pretrial Services agreement through fraud
22 in the factum or otherwise as it has been imagined, so ordered
23 this day with prejudice by the living One Supreme Court. This
24 order is final and shall not be appealed or altered in any
25 matter."

1 And I believe at the top it references this case number,
2 2:09-CR-078, and I'd like to make this a part of the record as
3 well.

4 THE COURT: Well, that's No. 123 that's already
5 filed?

6 MR. DAMM: I believe it is, your Honor.

7 THE COURT: Then I don't need another copy.

8 MR. DAMM: There's also another document that
9 Mr. Rice served upon me which is the order to continue the
10 trial, Document No. 127, at which he's placed, apparently, some
11 sort of a stamp on it which reads, "Offer to contract reserved
12 February 24th, 2010, is refused.

13 Previous contract" -- something -- "accepted for value
14 with no value delivered by plaintiff," and it's hard to
15 decipher, but I'd like to make this a part of the record as
16 well.

17 Mr. Rice seems to be confusing his criminal case with some
18 sort of civil matters, and if I could tender this to the Court?

19 THE COURT: No. 127 is also on the docket?

20 MR. DAMM: Well, 127 is, but I don't believe the
21 document where he's added his own stamp to it. If I could --

22 THE COURT: The clerk indicates we have it --

23 MR. DAMM: Okay. Very good.

24 THE COURT: -- in the same condition. It's the one
25 he stamps, and he puts for value considered, and --

1 MR. DAMM: Right.

2 THE COURT: Yeah. Yeah. That's in the court docket.

3 MR. DAMM: Okay. Very well, your Honor. We --

4 THE COURT: Okay.

5 MR. DAMM: We'll await tomorrow's hearing and present
6 the --

7 THE COURT: Very good.

8 While we're here, if I could just ask Pretrial Services,
9 how is he doing? Is he still being supervised and have you had
10 contact?

11 PRETRIAL SERVICES: He is being supervised,
12 currently, your Honor, by the District of Arizona. We haven't
13 received any violation notices or anything like that.

14 He was made aware of this court date by us and by the
15 District of Arizona, and he was to report to our office today,
16 also. Other than that --

17 MR. DAMM: Your Honor, I have been advised by the
18 District of Arizona that they had asked him to come into their
19 office I believe last week or so, and he apparently refused to
20 come into the Arizona office as requested.

21 THE COURT: Okay. Well, I can always hear that
22 through a petition for some action on his release.

23 If I could just ask Pretrial to be sure and advise him
24 that tomorrow at 11:00 a.m. we've continued this hearing until
25 then.

1 Obviously, he's entitled to come into the courtroom for
2 proceedings. He just can't disrupt other things that are going
3 on in the courtroom or perform in ways that would be
4 inconsistent with the way we would normally want to proceed in
5 something like this.

6 I believe when he was here last he was wanting to make
7 some deliveries to judges chambers, and that's not
8 tolerated.

9 (Colloquy not on the record.)

10 THE COURT: But, anyway, if you'll just pass that on,
11 we'd appreciate it.

12 PRETRIAL SERVICES: I can do that.

13 THE COURT: Okay. Anything further today?

14 MR. DAMM: Nothing further on behalf of the
15 United States, your Honor.

16 THE COURT: Very well.

17 MR. DAMM: Thank you.

18 THE COURT: Thank you very much.

19 THE CLERK: All rise.

20 (Court concluded at 11:26:18 a.m.)
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1 I certify that the foregoing is a correct transcript
2 from the electronic sound recording of the proceedings in
3 the above-entitled matter.
4
5

6 /s/ Lisa L. Cline

05/14/10

7 Lisa L. Cline, Transcriptionist

Date